

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 27, 2006**

DIVISION ONE

B177534      Allahverdian                                      (Not for Publication)  
                 v.  
                 Allahverdian

The appeal is dismissed. Alina is responsible for her own costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                     Rothschild, J.

B183577      People    (Not for Publication)  
                 v.  
                 Fisher

The judgment is affirmed.

Spencer, P.J.

We concur:    Mallano, J.  
                     Rothschild, J.

B181341      Gallardo    (Not for Publication)  
                 v.  
                 Vigil et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Rothschild, J.

We concur:    Mallano, Acting P.J.  
                     Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B185904 Rene C. (Not for Publication)

**V.**

Superior Court, Los Angeles County  
(The People, r.p.i.)

Let a peremptory writ of mandate issue commanding the Los Angeles Superior Court, Juvenile Division, to vacate its order of May 24, 2005 in *People v. Rene C.*, Los Angeles Superior Court Case No. VJ30328, finding that petitioner Rene C. is not a fit and proper subject to be dealt with under the juvenile court law and to issue a new and different order finding that he is fit.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B187140 Kerry A., Sr. (Not for Publication)

**V.**

Superior Court, Los Angeles County  
(Dept of Children & Family Services, r.p.i.)

The petition is granted. The order terminating reunification services and setting the matter for a section 366.26 permanency planning hearing is vacated. On remand, the dependency court shall order the Department to obtain and prepare any necessary reports to assist the court in evaluating whether there is clear and convincing evidence that returning Kerry to his father would place him in substantial danger. If the evidence does not support such a finding, the court shall order that Kerry be returned to his father's custody. We leave it to the court to determine whether to provide family maintenance services or to terminate jurisdiction altogether. If the court finds by clear and convincing evidence that returning Kerry to his father's custody would place him in substantial danger, the court shall order that additional services be provided to Kerry Sr. due to the exceptional circumstances present in this case.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B183228      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Maria C.

The orders are affirmed.

Spencer, P.J.

We concur:   Mallano, J.  
                 Rothschild, J.

B184488      Los Angeles County, D.C.S.      (Not for Publication)  
B185366      v.  
                 James B.

The appeal is dismissed.

Rothschild, J.

We concur:   Spencer, P.J.  
                 Mallano, J.

B182727      Marion Drive LLC      (Certified for Publication)  
                 v.  
                 Mark J. Saldino

The judgment is reversed and the cause is remanded to the trial court with directions to vacate its judgment denying Marion Drive's petition and to enter a new judgment in favor of Marion Drive in which the County is directed to distribute the excess proceeds (up to the amount owing on the bond) to Marion Drive. Marion Drive is awarded its costs of appeal, payable by the Gibson Trust (not the County).

Vogel (Miriam A.), J.

We concur:   Spencer, P.J.  
                 Mallano, J.

DIVISION ONE (Continued)

B177656      Joseph Rex Perrera et al.      (Not for Publication)  
                 v.  
                 Eva Windsor et al.

The judgment is affirmed. Upon remand, the trial court is directed to modify the judgment to update the Pereras' and Windsors' proportional allocations of accrued interest in the blocked account. The respondents are awarded their costs on appeal.

Rothschild, J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B185484      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Donshana R.

The portion of the August 25, 2005, order regarding Donshana's visitation with the children is reversed, and the cause is remanded to the trial court with directions to conduct a new hearing on the issue of visitation. In all other respects the order is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Rothschild, J.

B179236      People      (Not for Publication)  
                 v.  
                 Warren G. Jefferson

The judgment is reversed.

Spencer, P.J.

We concur:    Mallano, J.  
                 Rothschild, J.

February 27, 2006 (Continued)

## DIVISION ONE (Continued)

B177957 People (Not for Publication)  
v.  
Rafael Gevorgyan

The gang enhancement under Penal Code section 186.22, subdivision (b)(1), as to count 1 is reversed. In all other respects, the judgment is affirmed. The case is remanded for resentencing.

Spencer, P.J.

I concur: Mallano, J.  
I concur in the judgment only: Vogel (Miriam A.), J.

B181595 People (Not for Publication)  
v.  
Edgar Valdez

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.  
I concur in the judgment only: Vogel (Miriam A.), J.

B181421 People (Not for Publication)  
v.  
David Cervera

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

February 27, 2006 (Continued)

## DIVISION ONE (Continued)

B184973      People                                  (Not for Publication)  
v.  
John Jovane Gorguisse

The judgment is affirmed.

Spencer, P.J.

We concur:   Mallano, J.  
                      Rothschild, J.

B183719 Vyacheslav Voylokov  
v.  
Tatyana Voylokov

Filed order denying petition for rehearing.

B183736      Los Angeles County, D.C.S.  
v.  
Michael O. et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B177038      People                                  (Not for Publication)  
v.  
Serrano, et al.

The judgments are affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B181972 People (Not for Publication)  
v.  
Guzman

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B175450      Syngenta Crop Protection, Inc.      (Certified for Publication)  
v.  
Paul E. Helliker  
Gustafson LLC

The judgment is affirmed as to the count for declaratory relief as modified by this opinion. The judgment on the other counts is reversed with directions to the superior court to vacate the summary adjudication against the counts alleging violation of Food and Agricultural Code section 12811.5, an unlawful taking, the violation of the Uniform Trade Secrets Act; grant summary adjudication in favor of Dow on the count challenging the validity of the Notice and amendments to sections 6170, 6172, and 6200 of title 3 of the California Code of Regulations; overrule the demurrers to the count for a writ of mandate; and conduct further proceedings consistent with this opinion. Each party must bear its own costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B171639 People  
v.  
Barnes

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE (Continued)

B173000      County of Los Angeles      (Not for Publication)  
v.  
County of Los Angeles Assessment Appeals Board No. 4  
Atlantic Richfield Company

The judgment is affirmed. The parties are ordered to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION FOUR

B161058      Ostoposides et al.      (Not for Publication)  
v.  
Glimp, MD, et al.

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Epstein, P.J.  
Curry, J.

DIVISION FIVE

B180932      People      (Not for Publication)  
v.  
Scott Steven Manning

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Mosk, J.



DIVISION FIVE (Continued)

B183042      Peter Hoffman                      (Not for Publication)  
                 v.  
                 Michael Chodos et al.,

The judgment and the order granting the motion to strike under Code of Civil Procedure section 425.16 are reversed. The trial court is directed to enter a new and different order denying the motion to strike. Appellants Michael and Hillel Chodos's cross-appeal from that portion of the judgment denying attorney fees is dismissed as moot. Appellant Peter Hoffman is awarded his costs on appeal.

Kriegler, J.

We concur:   Turner, P.J.  
                 Armstrong, J.

B180534      People                                      (Not for Publication)  
                 v.  
                 Sergio Cortez

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Kriegler, J.

B179401      People                                      (Not for Publication)  
                 v.  
                 Josue Felix

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                 Kriegler, J.

February 27, 2006 (Continued)

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

**DIVISION SIX**

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B176232      Geffcken et al.,                      (Not for Publication)  
v.  
D'Andrea et al.,

The judgment is affirmed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

February 27, 2006 (Continued)

## DIVISION SIX (Continued)

B181535      Nardizzi  
v.  
Harbor Chrysler Plymouth Sales, Inc.

Filed order certifying opinion for publication.

B180104 Finkbeiner  
v.  
Gavid et al.,

Filed order modifying opinion and certifying opinion for publication. (No change in the judgment)

## DIVISION EIGHT

B182091      Talleur                                  (Not for Publication)  
v.  
Marti Enterprises, Inc.,

The judgment is affirmed. Respondent is awarded his costs on appeal.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.

B183529 California Insurance Guarantee Assoc. (Certified for Publication)  
v.  
Workers Compensation Appeals Board  
Francisco Torres et al., Respondents

We annul the Board's orders after consideration.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

DIVISION EIGHT (Continued)

B183741                      Stamps,    (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Kenny-Shea-Traylor-Frontier-Kemper, JV, et al., r.p.i.)

The petition is granted. The trial court is ordered to: (1) vacate its order of April 26, 2005, (a) sustaining the demurrer without leave to amend as to the third cause of action for violation of sections 51.7 and 52.1, and (b) granting the motion to strike Stamps's request for attorneys' fees and penalties under these sections, and (2) issue a new order overruling the demurrer and denying the motion to strike. Petitioner is to recover his costs.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B180525 California Insurance Guarantee Assoc. (Certified for Publication)  
v.  
Workers Compensation Appeals Board  
Harry White et al., Respondents

We annul the Board's orders after consideration.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B180744      Gunnell  
v.  
Silas et al.,

Filed order denying petition for rehearing.

DIVISION EIGHT (Continued)

B179442     Peter Letterese and Associates, Inc., et al.,     (Not for Publication)  
              v.  
              Bridge Publications, Inc., et al.,

For the reasons set forth above, the orders denying the anti-SLAPP motions against Bridge and CSI, and the award of statutory costs to those parties upon entry of the judgment dismissing PLA's complaint, are affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur:    Cooper, P.J.  
                      Flier, J.

B176484     People  
              v.  
              Patricio Gonzalez

Filed order vacating submission order of November 7, 2005. Cause resubmitted.